



March 27, 2002

To all Department of Managed Health Care-licensed HMOs and health plans:

Providing emergency contraception to women when they need it is a vitally important service. Governor Davis has taken several important steps to ensure better access to emergency contraception and I want to make sure you know about new efforts that enhance women's rights in this area.

The Department has determined that, as part of the existing requirement to cover FDA-approved contraceptives, HMOs must cover emergency contraception when dispensed by a contracting pharmacist. In addition, HMOs are required to provide coverage for emergency contraception, even when obtained from a non-contracted provider, in the event of a medical emergency.

Governor Davis signed into law AB 39 in 1999, which requires HMOs that offer prescription drug coverage to provide coverage for a variety of FDA-approved prescription contraception methods. If a provider determines that none of the designated methods is medically appropriate, the HMO must also cover another approved and appropriate method. More recently, SB 1169, signed by Governor Davis in 2001, permits a pharmacist to dispense emergency contraception without having obtained a traditional prescription from an authorized prescriber, so long as the other requirements of the statute are met.

Because emergency contraception is understood as being intended to prevent pregnancy, both within the medical community and in the legislature's intent in passing SB 1169, it is consistent with the term "contraception" as used in our state patient rights laws, as contained in the Knox-Keene Act and amendments to it.

Essentially, SB 1169 expands the scope of practice for pharmacists to include dispensing emergency contraception when the bill's requirements are met, still recognizing that emergency contraception is a "prescription" drug.

We encourage HMOs to ensure that access to emergency contraception is readily available to women at all times. We urge you to collaborate with your contracted providers, pharmacists and pharmacies in your network to develop the protocols required by SB 1169, particularly with regard to your procedures, if any, for prior authorization of non-emergency health care services.

If you have any questions related to this matter, please do not hesitate to contact me at 916-322-2078.

Sincerely,

Joy Higa  
Deputy Director

GRAY DAVIS  
GOVERNOR

DEPARTMENT OF MANAGED HEALTH CARE

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